

Serial No.: 10/821,994
Docket No.: 101-1031
Amendment dated December 20, 2005
Reply to the Office Action of November 2, 2005

REMARKS

Introduction

Applicants note with appreciation the Examiner's indication that claims 1-12 are allowed.

Upon entry of the foregoing amendment, claims 1-17 are pending in the application. Claims 13 and 15 have been amended. No claims have been cancelled. New claims 16 and 17 have been added. No new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Rejection under 35 USC §103

Claims 13-15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,356,726 to Campbell et al. in view of U.S. Patent No. 4,615,605 to Kida et al. Applicants respectfully request reconsideration of these claims for at least the following reasons.

With respect to independent claims 13 and 15, the Examiner takes the position that Campbell et al. discloses each of the features as recited in the claimed invention, except "Campbell does not teach that the pre-transfer erasing member attached to the development unit is movable to a first position to direct the irradiated light to the photosensitive drum to perform eraser [sic] and being movable to a second position spaced apart from the photosensitive drum when the photosensitive drum unit is being mounted or dismounted." See Office Action of November 2, 2005 page 2, item 3.

The Examiner then relies on Kida et al. to disclose these features admittedly missing from Campbell et al. In particular, the Examiner alleges that "Kida et al. teaches a development unit that moves to the first position in response to mounting of the at least one development unit within the printer and moves to the second position in response to dismounting of the development unit from the printer (figure 2; column 3, line 40-column 4, line 52)." See Office Action of November 2, 2005 page 3, 1st full paragraph.

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Claim 13

With regard to independent claim 13, Kida et al. is directed to a copy machine having a base 19, an upper frame 21, a developing device 6 disposed on the upper frame 21, and a moving means for pivoting the upper frame 21 with respect to the base 19 so that inner elements of the copy machine can be replaced. See Kida et al. col. 3, lines 40-47 and FIGS. 1 and 2. The pivotable upper frame 21 shown in Kida et al. supports the drum 1, the developing device 1, and the charge removing lamp 15, and these elements are all lifted off the base 19 when the upper frame 21 of the copying machine is lifted off of the base 19. See Kida et al. col. 3, lines 44-53. Thus, Kida et al.'s charge removing lamp 15 is supported along with the drum 1 by the upper frame 21, and the two are moved together by the pivoting movement of the upper frame 21. See Kida et al. col. 3, lines 44-53.

In other words, the pivoting movement of the upper frame 21 shown in Kida et al. does not move the charge removing lamp 15 to "a first position close to" the drum 1 within the copying machine, nor does the pivoting movement of the upper frame 21 move the charge removing lamp 15 to "a second position spaced apart from" the drum 1 within the copying machine.

In contrast with the present invention, Kida et al. requires that all the elements supported by the upper frame 21 be moved together (i.e., lifted off the base 19 by pivoting the upper frame 21) before any of these elements can be removed from the copying machine. See Kida et al. col. 3, lines 52-55. That is, the charge removing lamp 15 and the drum 1 shown in Kida et al. are fixed on the upper frame 21 relative to one another, and the charge removing lamp 15 is not movable "close to" or "spaced apart" from the drum 1 within the copying machine. Thus, the charge removing lamp 15 shown in Kida et al. is not the same as "a pre-transfer eraser member," as presently recited in independent claim 13 of Applicants' invention.

Accordingly, Applicants respectfully submit that Kida et al. fails to teach or suggest, among other things, "a pre-transfer eraser member...being movable to a first position close to the photosensitive drum within the electrophotographic printer to direct the irradiated light to the photosensitive drum to perform erasing, and being movable to a second position spaced apart from the photosensitive drum within the electrophotographic printer such that the photosensitive

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drum unit is mountable and dismountable away from the pre-transfer eraser," as presently recited in independent claim 13 of Applicants' invention.

Since Kida et al. does not teach or suggest the features as presently recited in claim 13 that are admittedly lacking from Campbell et al., Campbell et al. and Kida et al., either separately or in combination with one another, fail to teach or suggest each element as presently recited in independent claim 13 of Applicants' invention.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim elements. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Since Campbell et al. and Kida et al., either separately or in combination, fail to teach or suggest each element as presently recited in independent claim 13, Campbell et al. and Kida et al. cannot be properly used to reject independent claim 13 under 35 U.S.C. § 103. Therefore, it is respectfully submitted that independent claim 13 is allowable over Campbell et al. and Kida et al., either alone or in combination with one another, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Claim 14

Regarding claim 14, it is respectfully submitted that for at least the reason that claim 14 depends from independent claim 13, and therefore contains each of the features as presently recited in this claim, claim 14 is therefore also patentable over Campbell et al. and Kida et al. Accordingly, withdrawal of the rejection, and allowance of this claim are also earnestly solicited.

Claim 15

As set forth above in the discussion of independent claim 13, Kida et al. is directed to a copying machine having a base 19, an upper frame 21, a developing device 6 disposed on the upper frame 21, and a moving means for pivoting the upper frame 21 with respect to the base 19 so that inner elements of the copy machine can be replaced. See Kida et al. col. 3, lines 40-

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47 and FIGS. 1 and 2. The pivotable upper frame 21 shown in Kida et al. supports the drum 1, the developing device 1, and the charge removing lamp 15, and these elements are all lifted off the base 19 when the upper frame 21 of the copying machine is pivoted off of the base 19. See Kida et al. col. 3, lines 44-53. In other words, the charge removing lamp 15 shown in Kida et al. is moved by the pivoting movement of the upper frame 21 along with the other elements disposed thereon.

The charge removing lamp 15 shown in Kida et al. is not, however, "movable by the at least one development unit between a first position... and a second position," as presently recited in independent 15 of Applicants' invention. In contrast with the present invention, the charge removing lamp 15 shown in Kida et al. is movable solely by the pivoting operation of the upper frame 21 about the fulcrum shaft 16 with respect to the base 19. See Kida et al. col. 3, lines 52-53.

That is, the charge removing lamp 15 shown in Kida et al. is not movable by the developing device 6 between two positions. As a result, Kida et al. fails to teach or suggest, among other things, "a pre-transfer erasing unit movable by the at least one development unit between a first position... and a second position..." as presently recited in independent claim 15 of Applicants' invention.

Since Kida et al. does not teach or suggest the features as presently recited in claim 15 that are admittedly lacking from Campbell et al., Applicants respectfully submit that Kida et al. and Campbell et al., either separately or in combination, fail to teach or suggest each of the elements as presently recited in independent claim 15 of Applicants' invention. Since Campbell et al. and Kida et al., either separately or in combination, fail to teach or suggest each element as presently recited in independent claim 15, Campbell et al. and Kida et al. cannot be properly used to reject independent claim 15 under 35 U.S.C. § 103. Therefore, it is respectfully submitted that independent claim 15 is allowable over Campbell et al. and Kida et al., either alone or in combination with one another, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

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New Claims

Claims 16 and 17 have been newly added. New claims 16 and 17 further define the structure of the electrophotographic printer as presently recited in independent claim 15. Applicants respectfully submit that support for newly added claims 16 and 17 can be found in paragraphs [0056] through [0061] of the specification and FIGS. 5 and 6. Regarding claims 16 and 17, it is respectfully submitted that for at least the reason that claims 16 and 17 depend from independent claim 15, and therefore contain each of the features as presently recited in this claim, claims 16 and 17 are therefore also patentable over Campbell et al. and Kida et al. Accordingly, withdrawal of the rejection, and allowance of these claims are also earnestly solicited. Accordingly, it is respectfully submitted that new claims 16 and 17 do not present new matter, and are allowable over the prior art of record, and allowance of these claims are earnestly solicited.

Allowable Subject Matter

Claims 1-12 are allowed.

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Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

No fee has been incurred by this Amendment. If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

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